IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.372/03

Naveen Sharma **Versus** State & Anr.

DATE OF ORDER :: 13/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Biri Singh, for petitioner
Mr. B.K. Sharma, Public Prosecutor for State
Mr. K.S. Sharma, for respondent

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Instant petition has been filed assailing the order of learned trial Judge whereby application filed by petitioner u/s.457 Cr.P.C. seeking permission to take possession of Vehicle No.RJ 17C-532 on Supurdagi, was allowed with the condition that if payment of Rs.1,28,209/- is made by him and receipt of the same is furnished, the possession be handed over to him provided he furnishes security of Rs.5 lacs pending criminal trial. Against the condition which was incorporated by learned trial Judge with regard to making full payment of Rs.1,28,209/- [One month] was challenged before Revisional Court which was dismissed on 19th February, 2003.

Petitioner got the Vehicle No.RJ 17C-532 financed through respondent No.2 for total sum of Rs.1,50,000/-. It appears that some instalments were paid by him, but thereafter, he became defaulter. Respondent No.2 after adopting the

procedure available under law, took possession of the vehicle. Against their action, petitioner filed FIR on account of which vehicle was seized by the Police, but pending investigation, petitioner filed application u/s.457 Cr.P.C. for taking possession of the vehicle on Supurdagi which was allowed by learned trial Judge with the condition that if he deposits Rs.1,28,209/- within one month, vehicle be handed over on Supurdagi to him on furnishing security of Rs.5 lacs pending trial, but petitioner infact failed to comply with the condition for making one time payment despite furnishing undertaking on 20/08/02. Before the Court of Revision he made request for making instalment of the amount for which he has been called upon to pay Rs.1,28,209/- which was declined by the Court of Revision while passing a detailed order.

This court has gone through the order impugned and does not find any error which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.